

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :	C. Brian Atkins	Art Unit :	2179
Serial No. :	10/675,823	Examiner :	AUGUSTINE, NICHOLAS
Filed :	September 30, 2003	Confirmation No.:	6652
Title :	SINGLE PASS AUTOMATIC PHOTO ALBUM PAGE LAYOUT		

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

In the Statement of Reasons for Allowance in the Notice of Allowance and Fee(s) Due dated August 26, 2011, Examiner Augustine stated the following:

The prior art of Geigel teaches the limitation: "FIG. 3 illustrates a genetic crossover operation for trees 80 and 82. For the crossover operation, random nodes 88, 90 are selected for each parent and the sub-tree from these chosen nodes are swapped. This results in the 'after crossover' trees 84 and 86, and the illustration demonstrates the change that occurs. Similarly, FIG. 4 illustrates a genetic mutation operation for tree 92. Nodes from the tree 96 and 98 are randomly chosen, then swapped. Tree 94 illustrates the change from tree 92 when this swap occurs ... The genome for the page creator module makes use of a tree structure as illustrated in FIG. 8. The root of the tree, node 148, represents the entire photo album. Interior nodes, 150, 152, 154, 156, 158, 160, 162, and 164 represent a structure of hierarchical visual groupings of images, which, in turn, are represented by the leaf nodes 166. However, it is equally suitable to replace this tree based encoding with a simpler data structure based on arrays. ". But the claims recite a different combination of limitation: " ... initiating a first current binary tree comprising a leaf node associating a first object selected from the set with the leaf node; establishing candidate binary trees, wherein each of the candidate binary trees comprises the current binary tree and a respective leaf node associated with another object selected from the set, and locations of the leaf nodes within each of the candidate binary trees correspond to relative positions of the associated objects within the area; computing a respective score for each of the candidate binary trees selecting one of the candidate binary trees as the current binary tree based on the computed score; repeating the establishing, the computing, and the selecting until the current binary tree includes all the objects in the set; after the repeating, arranging the objects within the area in accordance with the locations of the leaf nodes within the candidate binary tree", that is not suggested or shown by Geigel. Although Geigel is concerned with representing a photo album page through the use of a storage tree, but the method of how that tree is formed and the final output of the page differ from the immediate application. In addition Geigel suggest using arrays over trees, for reason of simplicity, throughout part of the disclosure, this is because

Geigel's method of using and forming trees of data is more difficult than what is presented in the immediate application.

The dependent claims further add limitations to the allowable subject matter of the corresponding independent claims; thus are also allowable. Therefore the claims are allowed over the art because the claims differ in scope that is not seen or suggested by the prior art.

Applicant agrees that the claims are allowable over the art of record. However, Applicant respectfully disagrees with the Examiner's summary of the subject matter of the disclosures of the Geigel reference. In addition, Applicant respectfully points out that the Examiner's summary of claim 1 diverges somewhat from the language of the claim. Applicant respectfully submits that the claims should be given their full literal scope and all equivalents according to the language of the allowed claims.

No fees are believed due with this submission. However, should the Office determine that a fee is due, please charge any such fee to Deposit Account No. 08-2025.

Respectfully submitted,

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